

## SCHOOL FEES QUESTIONS AND ANSWERS

**1. What is the definition of a fee?**

Fees can be in the form of money or goods and are considered to be any charge, deposit, rental, or other mandatory payment. Payments to third parties such as admission fees or transportation expenses may also be fees.

**2. To whom do fee waivers apply?**

All students who meet criteria. Fee waivers *do not* apply to:

- pre-K students
- adult students outside of the K-12 program
- foreign exchange students
- nonresident students who are specifically exempt

**3. Who is eligible for fee waivers?**

Inability to pay is presumed for those who are in state custody or foster care, or receiving public assistance in the form of Aid to Families with Dependent Children (AFDC), or Supplemental Security Income (applies only to the child receiving SSI), or are eligible for free school lunch.

**4. Can students in a K-6 school be required to provide their own supplies?**

No. The supplies (paper, pencils) that are needed in the regular classroom, must be provided by the schools.

**5. Are charges related to the school lunch program considered fees?**

No. Under the definition in the Utah Board of Education Administrative rules, school lunch charges are not considered fees. But, milk or snacks for elementary students furnished to all students cannot be sold. Nor can students be charged for the snacks.



**6. Can elementary students be charged for lost or damaged supplies?**

Yes. If they are lost or damaged under Section 53A-11-806(2).

**7. Can elementary students be charged a computer usage fee?**

No, not for programs offered during the regular school day. The school can ask for voluntary donations, but schools cannot require a computer fee for elementary programs.

**8. Can teachers sell notebooks, pencils, etc., and use the money to re-buy supplies without reporting the money or sales to the school secretary?**

Teachers could sell extra supplies, subject to school/district rules. If students need supplies to complete coursework that are typically furnished by the school, they cannot be withheld or sold to elementary students. Fee waivers apply for students in grades 7-12.

9. **Can 6th graders attending a middle school with 7th and 8th graders be charged textbook fees?**

No. Textbook fees or other board-approved fees may only be charged to students in grades 7-12.



10. **Can fees be charged for activities outside of the regular school day?**

Fees may be charged in connection with school-sponsored activities that do not take place during the regular school day, regardless of the age or grade level of the student. Fee waivers always apply, even for these “optional” activities.

11. **Is there a limit to the cost of fees that may be charged for students to participate in school-sponsored activities, clubs, or programs?**

Yes. The limits are outlined in each individual district’s fees policy or schedule which has to be approved each year by the local board of education. Individual district fee policies may differ.

12. **Why are local school boards required to provide a waiver of fees to qualifying students?**

To ensure that no student is denied the opportunity to participate in programs, courses or activities because of an inability to pay the required fee, deposit, or charge following a court case in 1994.

13. **Can a local school board establish policies for partial fee waivers or other alternatives for those students who cannot pay the entire fee?**

Yes, but they cannot be offered to fee waiver eligible students in lieu of fee waivers.

14. **Can students be denied walking through promotion if they have overdue school fines?**

Yes, but they cannot be denied a diploma or credit for coursework completed. Also, a school should give advance notice to parents that administrative penalties may be imposed for failure to pay fees, including denial of graduation activities. These kinds of penalties should be used sparingly and reluctantly as a last resort because courts see graduation exercises and activities as integral to the public education experience.

15. **Are refunds of fees given for a student who transfers schools?**

There is no entitlement to a refund. Refunds could be governed by school/district policy.

16. **Can a high school adopt a pay to play policy for athletes?**

Yes. There must be a policy in place that allows for a fee waiver, but students can be assessed fees for athletics. The limit of those fees is determined by the local board. There also may be limitations set by the Utah High School Activities Association.



17. **Can a choir student be required to pay a fee to go to Disneyland to perform?**

Yes, if the school sponsors the trip or is involved with planning and scheduling and/or provides resources (e.g. buses, chaperones, director, etc). If a student is fee waiver eligible, costs essential to the trip/experience must be waived.

18. **Are students in a Utah history class (eligible for free lunch) entitled to a fee waiver to attend a voluntary overnight trip to the state capitol?**

Yes. Similar to question 17, if the school sponsors and plans the trip and assists with resources and chaperones, fees must be waived for eligible students.

19. **What if school fees are not published and specific amounts are not set?**

The student or other payee may not have to pay the fees if a local board has not complied with the law in setting and publishing fees.

20. **What kind of work activities are available for grade 9-12 students in lieu of fee waivers, that are not demeaning and enhance self esteem?**

Janitorial work should not be the only option for students working to pay for fees. Office responsibilities, activity help, teacher aid assistance, charitable causes for the school, help with athletic clinics should be considered.

21. **What if a student is granted a fee waiver with work in exchange and he/she or the parent refuses to do the work. Or what if a student accepts the waiver and does not complete the agreed upon work?**

Schools could use all legitimate methods to collect the fees – see answer #23. Schools should be very careful in denying further activities or opportunities.

22. **Can a teacher attach a fee to a class on a high school level without school board approval if in mid year it is determined that the approved fee was not adequate?**

To be in compliance with the law, the local board could approve the fee and the local board or school should provide notice of the fee to students and parents, including fee waiver information.

23. **Can a student be denied enrollment because of outstanding fees from a school attended previously?**

No. Students cannot be denied enrollment because of outstanding fees. The previous school/district could pursue reasonable means to collect fees, e.g. small claims court, collection agency, but may not deny enrollment due to fees owed.

24. **If a student refused to pay for materials in a shop class, what recourse does the school have?**



The course should have a project(s) that is relatively inexpensive and still teaches the basic skills. If fees have been approved, the teacher must provide the most basic project and materials to acquire the intended skills. If the teacher does not receive payment for the most basic project, the school could pursue reasonable means of fee collection, see answers #21 and #23.

25. **If students are injured while working to pay for fees, what is the school's liability?**

Students would be protected as employees or students of the district for any activity reasonably within the scope of the student's assignment. In assigning work to students, schools/districts should consider age-appropriateness and student ability.

26. **Can yearbooks be held at the end of the school year until all fees are paid?**

Yearbook *deposits* may be diverted to pay for outstanding fees. If a student purchases a yearbook outright, the school would have to provide it. Probably, if holding a yearbook is designated as a possible administrative consequence for non-payment of fees, the yearbook could be held because the cost is greatly subsidized by the school.

27. **If school lets out early for a state football game, and a bus is provided for students who want to attend the game for a fee, should the fee be waived for those who qualify for waivers?**



Yes. Even arguably if the game is after school hours, especially if other transportation is not readily available to students or the distance is significant.

28. **A drill team has the chance to go to a national competition in California. No school funds are available and the majority of the team pays out of pocket for the trip. Would a team member on fee waivers be allowed to go if the trip is voluntary and not a part of the grade?**

Fee waivers apply to any course or activity sponsored “by or through the public schools.” Certainly this type of a trip, however paid for by most participants, is subject to fee waivers. If the team decides to raise money for the trip by fundraising, all participants can be required/expected to participate equally and share equally in whatever money is raised. If additional money is needed for fee waiver eligible students, that money must be provided.

29. **Can students be kept from participating in other extracurricular activities if they have not paid past fees?**

This is not a good idea because some extracurricular activities are so integral to the Core Curriculum e.g. choir classes, debate programs. Every other method to collect fees should be tried – collection agencies, small claims, opportunities to work for the waivers. If all other methods of collection have been exhausted, administrators have documented efforts to collect and parent(s) have been given notice of consequences for non-payment, certain activities could be withheld.

30. **Who is required to set a fee schedule for the school districts and how often is the fee schedule approved and by whom?**

The fee schedule must be both set and approved by the local school board on an annual basis and copies of the fee schedule shall be distributed to all the parents in the district also annually.

31. **Should early college classes fees be waived for high school students on fee waivers?**

The early college class fees need not be waived. They are post secondary expenses.

32. **If a student is required to have tools that are necessary to complete class assignments, should the cost of the tools be waived for students on fee waivers?**

Yes. If the student must have them to complete his assignments and if the teacher/school does not have adequate tools to loan.

33. **Can students on a waiver go bowling with their gym class and have the bowling costs waived?**



Yes, if the bowling is part of the school experience.

34. **A teacher in a physical education class requires the following items: a plain white T-shirt, navy blue or black shorts, and gym shoes (which can be worn by the student after completion of the class), do waivers apply?**

No, if the items are common clothing items that a student would most likely own.

35. **Should the names and other information about those who qualify for fee waivers be kept confidential?**

Yes. That information should be used and discussed only by those who have a need and a right to know, such as the personnel who process paperwork, etc. Other students should never be involved in processing fee waiver information.

36. **Can a school or district ask for verification or documentation of fee waiver eligibility?**

Students may qualify for fee waivers under one or several automatic eligibility criteria: state custody or foster care, *free* school lunch, supplemental security income (SSI), or Aid to Families with Dependent Children (AFDC). Districts/schools may also grant partial or complete fee waivers for extraordinary emergencies or circumstances. Parents or guardians should expect to provide documentation, as requested by the district/school, of the eligibility for free school lunch or of extenuating circumstances which would justify the waiver of school fees.

37. **What are the changes from the 2005 Legislative Session?**

The law now requires that a parent or guardian of a student applying for a fee waiver provide documentation and certification to the school verifying the student's eligibility to receive the waiver, and that alternatives for satisfying the fee requirements, which may include tutorial assistance to other students, assistance before or after school to teachers and other school personnel on school related matters, and general community or home service, have been complied with to the fullest extent reasonably possible according to the individual circumstances of both the fee waiver applicant and the school. A local school board shall have a policy that specifies the acceptable forms of documentation which shall include verification based on income tax returns or current pay stubs.